

J. Joseph Bainton (JB-5934)  
BAINTON McCARTHY LLC  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
In re:

BAYOU GROUP, LLC, et al.,

Debtors.

Chapter 11

Case No.: 06-22306 (ASH)

Jointly Administered

-----x  
BAYOU MANAGEMENT, LLC

Plaintiff,

- against -

ROBERT B. NICHOLS, ELLEN M.  
NICHOLS, SAMUEL ISRAEL III, and  
JOHN DOES 1-5,

Defendants.

Adv. Proc. No.: 08-08292 (ASH)

(Proceeding No. 2)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA,

Plaintiff,

- against -

05 Cr. 1039 (CM)

(Proceeding No. 1)

SAMUEL ISRAEL III,

Defendant.

-----x  
ROBERT B. NICHOLS and  
ELLEN M. NICHOLS,

Petitioners.

-----x  
**NOTICE OF MOTION OF PETITIONERS-DEFENDANTS ROBERT B.  
NICHOLS AND ELLEN M. NICHOLS TO WITHDRAW REFERENCE OF  
ADVERSARY PROCEEDING AND CONSOLIDATE  
PROCEEDING NOS. 1 AND 2**

Petitioners-Defendants Robert B. Nichols and Ellen M. Nichols hereby respectfully move (a) pursuant to Local Bankruptcy Rule 5011.1 to withdraw the reference to the United States Bankruptcy Court for the Southern District of New York of Proceeding No. 2 upon the grounds that that Article I court cannot conduct a trial by jury and Proceeding No. 2 necessarily involves an issue of law over which the District Court has exclusive jurisdiction in the context of Proceeding No. 1 thus making withdrawal of the reference mandatory, or, at a minimum, plainly in the interest of justice and (b) pursuant to Federal Rule of Civil Procedure 42 and this Court's inherent discretion to manage its docket, to consolidate for all purposes Proceeding Nos. 1 and 2 upon the grounds that they involve exactly the same common nucleus of facts and substantially congruent issues of law.

Dated: New York, New York  
June 16, 2006

BAINTON McCARTHY LLC

By: /s/ J. Joseph Bainton  
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